03-06-03

1644

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MICHEAL L. GRUENBERG

Serial No.: 09/127,138

Filed: July 31, 1998

For: **AUTOLOGOUS IMMUNE CELL THERAPY: CELL COMPOSITIONS, METHODS AND APPLICATIONS TO TREATMENT OF HUMAN DISEASE**

Art Unit: 1644

Examiner: Schwadran, R.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit: March 3, 2003

I hereby certify that this paper and the attached papers are being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 C.F.R. §1.10 on the date indicated above and addressed to:

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Michael Lough

TRANSMITTAL LETTER

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Sir:

Transmitted herewith is an Amendment in Response to the Office Action, mailed October 2, 2002, a check for the fee for a one month extension of time, Marked Up Claims (37 C.F.R. § 1.121), and a copy of an Associate Power of Attorney. If a Petition for extension of time is needed, this paper is to be considered such Petition.

Extension fee for response within the first month:

(X) By a small entity.....$55.00.

☒ The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE LLP

By: _____
Stephanie Seidman
Registration No. 33, 779

Attorney Docket No. 24731-500E

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AMENDMENT

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

Responsive to the Office Action, mailed October 2, 2002, please amend the application as follows:

IN THE CLAIMS:

Please cancel claims 51, 124 and 127 without prejudice or disclaimer.

Please replace claim 48 with amended claim 48 as follows:

48. (Amended) A method of autologous cell therapy comprising:

(a) collecting a tissue or body fluid sample comprising mononuclear cells from a mammal;

(b) activating the cells *ex vivo* in the presence of interferon-gamma, anti-IL-4 antibody or IL-12 to alter their cytokine production profile to produce activated Th1 cells;

(c) inducing cell proliferation and cell expansion, in the absence of exogenous interleukin-2, by contacting the activated Th1 cells with